

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

United States District Court
Southern District of Texas
FILED

for the

Southern District of Texas

JUL 23 2016

David J. Bradley, Clerk

United States of America
v.
Gerardo ROSALES, YOB 1996, USCCase No. M-16-1393-MDefendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 22, 2016 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 United States Code § 554

Did knowingly and willfully attempt to export or send from the United States, any merchandise, article, or object, to wit: 540 rounds of 308/7.62X51 Caliber ammunition, contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.



Complainant's signature

Gerardo Mercado, HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 7/23/20164:02 pm

Judge's signature

City and state: McAllen, TexasPeter Ormsby, U.S. Magistrate Judge
Printed name and title

ATTACHMENT A

On July 22, 2016, U.S. Customs and Border Protection Officers (CBPOs) and other law enforcement officers were conducting southbound inspection duties at the Hidalgo Port Of Entry (HID POE) in Hidalgo, Texas. At approximately 1:35 p.m., CBPOs referred a red SRX Cadillac for inspection as the vehicle attempted to exit the United States into Mexico. The driver and sole occupant of the vehicle was later identified as Gerardo ROSALES.

As ROSALES exited the vehicle, a CBPO immediately visually noticed a large bulge and inconsistencies with the formation of the floor mats located underneath the driver's seat. A subsequent search to the vehicle revealed several boxes of ammunition concealed underneath the floor mat, in the glove box compartment, and center console of the vehicle. A total of 27 boxes of ammunition were discovered in vehicle (17 boxes of 308 caliber and 10 boxes of 7.62x51 caliber) equaling a total of 540 rounds.

Homeland Security Investigation (HSI) Special Agents (SAs) responded to the HID POE to interview ROSALES. During a post-Miranda warning custodial interview of ROSALES, ROSALES claimed he felt forced to smuggle the ammunition for co-conspirators operating in the United States and Mexico. ROSALES admitted he was promised approximately \$200.00 USD to smuggle the ammunition from the United States into Mexico. ROSALES admitted he received \$500.00 USD from a co-conspirator which he used to purchase the ammunition. ROSALES admitted he was aware it is illegal to smuggle ammunition from the United States into Mexico and he purposely attempted to conceal the ammunition within his vehicle to avoid law enforcement detection and apprehension.